

REMARKS

The Office Action dated September 12, 2008, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 1-5 are pending in this application. By this Amendment, claim 1 has been amended for clarification purposes. No new matter has been added. Applicants respectfully request reconsideration of the application.

The Office Action provisionally rejects claims 1-5 on the ground of nonstatutory obviousness-type double patenting as being obvious over claims 1-6 of Suzuki et al. (U.S. Patent No. 7,162,863) in view of Hanaki. A Terminal Disclaimer is filed herewith to overcome the rejection. Accordingly, withdrawal of the nonstatutory obviousness-type double patenting rejection of the claims is respectfully requested.

The Office Action provisionally rejects claims 1-5 on the ground of nonstatutory obviousness-type double patenting over claims 1-4 of copending U.S. Patent Application No. 11/311,264 in view of Hanaki; claims 1-5 on the ground of nonstatutory obviousness-type double patenting over claims 1-7 of copending Application No. 11/046,817 in view of Hanaki; and claims 1-5 on the ground of nonstatutory obviousness-type double patenting over claims 1-4 of copending Application No. 11/905,443 in view of Hanaki. Because co-pending U.S. Patent Application Nos. 11/311,264, 11/046,817 and 11/905,443 have not issued or been allowed as of the filing of this paper, filing a Terminal Disclaimer to obviate the provisional double-patenting rejections is premature. Furthermore, in view of the above arguments with respect to Hanaki, withdrawal of the provisional double patenting rejections is respectfully requested.

The Office Action rejects claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Hanaki et al. (U.S. Patent Application Publication No. 2001/0004832). Applicants respectfully traverse this rejection.

In particular, the current application claims an exhaust gas purifying apparatus for an internal combustion engine that includes NOx removing means provided in an exhaust system of the engine for adsorbing NOx in exhaust gases from the engine, wherein ammonia is generated when the NOx removing means reduces the adsorbed NOx and the generated ammonia is retained when the exhaust gases are in a reducing state, reforming means, and fuel adding means, as recited in amended claim 1.

Hanaki teaches an “exhaust gas purifying system for an automotive internal combustion engine which discharges oxygen-excessive exhaust gas under lean-burn operation” (Abstract). Hanaki teaches that the oxygen-excessive exhaust gas enriched with hydrogen is supplied to the NOx reducing catalyst, thereby improving a NOx reducing efficiency, and that catalyst for producing hydrogen by reforming HC and CO is used (paragraph [0022]). However, Hanaki also teaches that “...hydrogen and NOx can react with each other at a sufficiently practical rate while oxygen cannot participate in the reaction, and therefore reduction reaction of NOx can effectively proceed. This can suppress side reactions for producing noxious compounds such as ammonia” (paragraph [0028]; emphasis added). Hanaki further clearly indicates that “...using ammonia as the reducing agent, ammonia itself is noxious” (paragraph [00007]). Accordingly, Hanaki clearly teaches that ammonia is a noxious compound that should not be retained, and thus fails to teach that ammonia is generated and is retained when

the exhaust gases are in a reducing state, as recited in amended claim 1. It should be noted that the Office Action is silent on Hanaki teaching this feature.

For at least the above-discussed reasons, Applicants respectfully submit that Hanaki fails to anticipate amended claim 1, and claims 2-5, which depend therefrom. Thus, claims 1-5 are patentable over Hanaki, and Applicants respectfully request withdrawal of the rejection of the claims under 35 U.S.C. §102(b).

If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Attorney Docket Number **108420-00054**.

Respectfully submitted,



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